IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 5515 OF 2005

Yeardla Bhaskarrao ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. Vikas Shivarkar for the Applicant.
Shri. R.Y. Mirza, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 02, 2005.

P.C.:

1. Heard advocate appearing for the Applicant, learned A.P.P. for the State and Shri. Salvi appearing for the Respondent No.2. Prayer made in this Application is for temporary bail for a period of thirty days. The ground on which temporary bail is applied for is that the mother of the Applicant died on 22nd July, 2005 and the Applicant desires to perform last rights as per the religious custom.

2. The offence alleged against the Applicant is punishable under the Narcotic Drugs and Psychotropic Substances Act, 1985 and therefore, this Application is governed by Section 37 of the said Act of 1985.

3. The Application made by the Applicant for bail in the Sessions Court has been rejected on the ground that there is prima facie evidence against the Applicant to show that he was in possession of commercial quantity of "ganja".

4. No case is made out for grant of temporary bail as requirement of section 37 of the said Act is not satisfied. Hence, prayer for bail is rejected.

5. If the Applicant deposits requisite charges with the Superintendent of Yerawada Central Prison, Pune, the Respondent No.1 will make arrangements for taking the Applicant in police escort to village Yanam, Pondichery and to bring him back to the concerned jail under the police escort. The Applicant will be taken in police escort to the said village for a period of fourty-eight hours excluding the time taken for travelling from the prison to the said village.

6. Copy of this order be forwarded to the Superintendent of Yerawada Central Prison.

JUDGE